

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

NUCLEAR DEVELOPMENT LLC,)

Plaintiff,)

v.)

Case No.: 5:18-CV-01983-LCB

TENNESSEE VALLEY)
AUTHORITY,)

**ORAL ARGUMENT
REQUESTED**

Defendant.)

DEFENDANT'S MOTION TO DISMISS

Defendant Tennessee Valley Authority hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the complaint (Doc. 1) of Plaintiff Nuclear Development LLC for failure to state a claim upon which relief can be granted. The grounds for Defendant's motion are set forth in its contemporaneously-filed brief in support.

Respectfully submitted,

s/ Matthew H. Lembke

Matthew H. Lembke
Attorney for Defendant

OF COUNSEL

Matthew H. Lembke
Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
Telephone: (205) 521-8000
Facsimile: (205) 521-8800

David D. Ayliffe
Steven C. Chin
OFFICE OF THE GENERAL COUNSEL
Tennessee Valley Authority
400 West Summit Hill Drive, WT6
Knoxville, Tennessee 37902
Telephone: (865) 632-3052
ddayliffe@tva.gov
scchin@tva.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2019, a true and correct copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record:

Caine O'Rear, III
HAND ARENDALL HARRISON SALE,
LLC
Post Office Box 123
Mobile, Alabama 36601
corear@handarendall.com

Edward Shane Black
HAND ARENDALL LLC
102 South Jefferson Street
Athens, Alabama 35611
sblack@handarendall.com

Larry David Blust
HUGHES SOCOL PIERS RESNICK DYM,
LTD.
70 West Madison Street, Suite 4000
Chicago, Illinois 60602
lblust@hsplegal.com

s/ Matthew H. Lembke

OF COUNSEL